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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,947	08/19/2003	Ming Gao Yao	12553/84	6795

7590 04/10/2006  
KENYON & KENYON  
Suite 600  
333 W. San Carlos, Street  
San Jose, CA 95110-2711

EXAMINER

KEENAN, JAMES W

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/644,947

Applicant(s)

YAO ET AL.

Examiner

James Keenan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/12/05</u>  | 6) <input type="checkbox"/> Other: _____                                    |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 23-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Hollowell, previously cited.

This rejection is set forth in prior Office action, mailed 11/7/05, paragraph 7.

Despite applicant's amendment, the exchange tray into which the components are moved when the packing and exchange trays are rotated together is considered to inherently be "inverted" prior to positioning above the packing tray, even though not explicitly recited by Hollowell. Although there are article containment units on both sides of the trays of Hollowell, as applicant argues, the units on each side are different, and each tray can only be stacked in one orientation relative to another. Thus, because the trays are ultimately rotated together to move the components from one tray to another, the exchange tray is by definition "inverted", as broadly claimed, at least relative to its position after rotation. Otherwise, it simply wouldn't work.

3. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hollowell in view of Wanesky, previously cited.

This rejection is set forth in prior Office action, mailed 11/7/05, paragraph 9.

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4. Claims 23-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollowell in view of Grover (US 2,355,643), Vaughn (US 2,370,698), Pakeriasamy (US 5,848,702), or Carter (US 6,375,408), all previously cited.

Although Hollowell alone is considered to anticipate these claims, as set forth above, the following rejection applies in the event applicant argues and/or amends the claims to overcome that rejection. This is an additional, not alternative, rejection, and is set forth in response to applicant's amendment.

As noted, Hollowell does not explicitly state that the exchange tray is inverted before being positioned above the packing tray.

The secondary references all show an exchange tray 12 (Grover), 1 (Vaughn), 14 (Pakeriasamy), 40 (Carter) which is inverted and positioned above a packing tray 10 (Grover), 2 (Vaughn), 12 (Pakeriasamy), 20 (Carter) prior to rotating the packing and exchange trays together to move articles from the packing tray to the exchange tray.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the process of Hollowell by inverting the exchange tray prior to positioning it on the packing tray, if not inherent, as shown by each of Grover, Vaughn, Pakeriasamy, and Carter, as this would simply be a well known and art recognized step when exchanging parts between trays.

5. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hollowell in view of Grover, Vaughn, Pakeriasamy, or Carter, as applied to claims 23-31 above, and further in view of Wanesky.

This rejection utilizes the same obviousness rationale set forth above in paragraph 3.

6. Applicant's arguments filed 2/7/06 have been fully considered but they are not persuasive. All arguments have been addressed above.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Keenan whose telephone number is 571-272-6925. The examiner can normally be reached on (schedule varies).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eillen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James Keenan  
Primary Examiner  
Art Unit 3652

jwk  
4/4/06